

109TH CONGRESS
2D SESSION

S. 4081

To restore habeas corpus for those detained by the United States.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2006

Mr. SPECTER (for himself and Mr. LEAHY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To restore habeas corpus for those detained by the United
States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Habeas Corpus Res-
5 toration Act of 2006”.

6 **SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DE-**
7 **TAINED BY THE UNITED STATES.**

8 (a) IN GENERAL.—Section 2241 of title 28, United
9 States Code, is amended by striking subsection (e).

1 (b) TITLE 10.—Section 950j of title 10, United
 2 States Code, is amended by striking subsection (b) and
 3 inserting the following:

4 “(b) LIMITED REVIEW OF MILITARY COMMISSION
 5 PROCEDURES AND ACTIONS.—Except as otherwise pro-
 6 vided in this chapter or in section 2241 of title 28 or any
 7 other habeas corpus provision, and notwithstanding any
 8 other provision of law, no court, justice, or judge shall
 9 have jurisdiction to hear or consider any claim or cause
 10 of action whatsoever, including any action pending on or
 11 filed after the date of the enactment of the Military Com-
 12 missions Act of 2006, relating to the prosecution, trial,
 13 or judgment of a military commission under this chapter,
 14 including challenges to the lawfulness of procedures of
 15 military commissions under this chapter.”.

16 **SEC. 3. EFFECTIVE DATE AND APPLICABILITY.**

17 The amendments made by this Act shall—

18 (1) take effect on the date of the enactment of
 19 this Act; and

20 (2) apply to any case that is pending on or
 21 after the date of enactment of this Act.

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